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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,655	09/25/2003	John Dunklee	KLR:1016.0085	8221

7590

01/26/2006

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EXAMINER

CHAN, EMILY Y

ART UNIT	PAPER NUMBER
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2829

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/672,655	DUNKLEE ET AL.	
	Examiner	Art Unit	
	Emily Y. Chan	2829	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-10 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 January 2005 and 24 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449.or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 3-4, 6 and 8 are rejected under 35 U.S.C. 102(b) or 102 (a) as being anticipated by applicants' admitted prior art (APA) on figs. 1-2.

With respect to claim 1, the applicants' admitted prior art (APA) on Figs. 1-2 discloses a probe assembly for probing an electrical device, said probe assembly comprising:

(a) a chuck (20) having a first conductive member (top stage of the chuck 20) with a support surface (top layer of the top stage of the chuck 20) suitable for supporting an electrical device (18); and

(b) a second conductive member (24) having a substantially planar surface spaced apart from, and opposed to the support surface of the chuck (20), wherein the support surface (top layer of the top stage of the chuck 20) is **electrically interconnected** to the second conductive member (24) by electrical signal transmitting through the top stage to a middle stage to a transmission lines 22 and 26 and then to the second conductive member (24).

With respect to claims 3-4, 6 and 8, the applicants' admitted prior art (APA) on figs. 1-2 was discussed in previous office action dated on 8/9/05.

Claim Rejections - 35 USC § 103

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2. Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants' admitted prior art (APA) as applied to claim 1 above, and further in view of Yassine ('997).

The applicants' admitted prior art (APA) as applied to claim 1 above, and further in view of Yassine ('997) was discussed in previous office action dated on 8/9/05.

3. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over applicants' admitted prior art (APA) Fig. 1 as applied to claim1 above, and further in view of Navratil et al ('861).

The applicants' admitted prior art (APA) Fig. 1 as applied to claim1 above, and further in view of Navratil et al ('861) was discussed in previous office action dated on 8/9/05.

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over applicants' admitted prior art (APA) Fig. 1 as applied to claim1 above, and further in view of Streib et al ('383).

The applicants' admitted prior art (APA) Fig. 1 as applied to claim1 above, and further in view of Streib et al ('383) was discussed in previous office action dated on 8/9/05.

Response to Arguments

5. Applicants' arguments filed on 6/24/05 for claim 1 have been fully considered but they are not persuasive. Applicants argued that the suspended guard 24 shown in the prior art (Figs. 1-2) does not expressly shows the additional limitation of " wherein said support surface is electrically interconnected to the second conductive member". The examiner disagrees with applicants' assertion and points out why the instant invention

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can be read on the prior art (Figs 1-2). In the specification, on page 2, under BACKGROUND OF THE INVENTION, applicants recite that the top stage of the chuck comprises a solid, electrically conductive plate through which the test signal maybe routed, and that a middle stages of the chuck comprises a solid electrically conductive plate through which a guide signal may be routed. Applicants do not specify that the top stage and the middle stage are electrically isolated from each other in the body of the BACKGROUND OF THE INVENTION. Therefore, an electrical signal in the prior art (Figs 1-2) can travel through the surface of the top stage of the chuck (20) to the middle stage of the chuck (20) to the transmission line 22 to the transmission 26 and than to the second conductive member 24 which meets the claimed feature that the surface of the first conductive member is electrically interconnected to the second conductive member.

Allowable Subject Matter

6. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

In the Remarks filed on 12/12/05, applicants argued that the probe tip 16 couldn't meet the limitation of the amended "second conductive member". The examiner found out that applicants' argument is persuasive. During the further search, the examiner found that the prior art in the record does not teach or suggest that a probe assembly comprises a conductive member (24) having a planar surface electrically interconnected to a test signal (29) of an electrical device (TEST INSTRUMENTATION) as shown by Figs 3-4.

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Response to Amendment

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

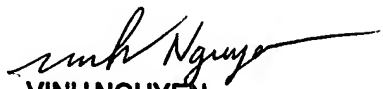
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emily Y. Chan whose telephone number is 571-272-1956. The examiner can normally be reached on 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on 571-272-1705. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EC
1/21/06


VINH NGUYEN
PRIMARY EXAMINER
A.U. 2829
01/23/06